

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-11 are currently pending, with Claims 6, 7, 9, and 10 being withdrawn as directed to non-elected inventions. Claims 1, 5, and 8 have been amended; and Claim 11 has been added by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, the drawings were objected to as not showing every feature of the invention recited in the claims; the title of the invention was objected to as being non-descriptive of the claimed invention; Claim 8 was rejected under 35 U.S.C. §101; Claims 1-5 were objected to as not being clear; Claims 1-5 and 8 were rejected under 35 U.S.C. § 112, first paragraph, regarding the “rewriting replacement subarea” and the “replacement management subarea”; Claims 1-5 and 8 were rejected under 35 U.S.C. § 112, second paragraph, regarding the “write-once disk”; and Claims 1-5 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,615,363 to Fukasawa (hereinafter “the ‘363 patent”).

Applicants wish to thank the Examiner for the interview granted Applicants’ representative on September 7, 2007, at which time the outstanding rejection of the claims was discussed. At the conclusion of the interview, the Examiner agreed that the rejections of the claims under 35 U.S.C. § 112 will likely be withdrawn. However, no agreement on the patentability of the claims was reached pending the Examiner’s further consideration of the claims upon formal submission of a response to the outstanding Office Action.

Applicants respectfully submit that the objection to the title is rendered moot by the present amendment to the title. The title has been amended to be more descriptive of the claimed invention. Accordingly, the objection to the title is believed to have been overcome.

Applicants respectfully traverse the rejections to the drawings. Applicants note that the normal record and playback subarea, the rewriting replacement subarea, and the replacement managements subarea, are shown in Figure 5.

Applicants respectfully submit that the rejection of Claim 8 under 35 U.S.C. § 101 is rendered moot by the present amendment to Claim 8. Claim 8 has been amended to be directed to a recording method that positively recites specific steps. Accordingly, Applicants respectfully submit that the rejection is rendered moot.

Applicants respectfully submit that the objections to Claims 1-5 are rendered moot by the present amendment to Claims 1 and 5. For example, Claim 1 has been amended to clarify that the information is recorded by a recording apparatus, and that the replacement management subarea is a subarea in which replacement management information is used by a recording apparatus for managing data. Accordingly, the objection is believed to have been overcome.

Applicants respectfully traverse the rejections of Claims 1-5 and 8 under 35 U.S.C. § 112, first and second paragraphs. Applicants note that the Office Action on page 4 states that it is unclear how a write-once area is to be rewritten "into the same space." In this regard, Applicants refer the Examiner to Figure 11 and the discussion related thereto. In particular, Applicants note that Figure 11 illustrates that when a request to record data in a particular address is received, and data is already recorded at that address, data is recorded into the OSA section shown in Figure 5, and corresponding management data is recorded in the ISA section shown in Figure 5. In a non-limiting example, the claimed rewriting replacement subarea refers to the OSA shown in Figure 5, while the replacement management subarea corresponds to the ISA section shown in Figure 5. Accordingly, Applicants respectfully submit that the independent claims are clear and enabled.

Independent Claim 5 is directed to a recording apparatus for a recording medium having a write-once recordable section in which data is writable once, the write-once recordable section including a main data area and a management/control area in which management/control information for recording and playing back data on the main data area is recorded, the recording apparatus comprising: (1) writing means for writing data; and (2) formatting control means for causing the writing means to record the management/control information in the management/control area so as to form in the main data area of the write-once recordable section: (a) a normal record and playback sub-area in which data is recorded and played back; (b) a rewriting replacement sub-area in which rewritten data is recorded in response to a request to rewrite a portion of the data recorded in the normal record and playback sub-area so as to logically overwrite the portion of the data; and (c) a replacement management sub-area in which is recorded, in response to the request, replacement management information for managing the portion of the data in the normal record and playback subarea according to a rewrite request and the rewritten data that is recorded in the rewriting replacement subarea in response to the rewrite request. The changes to Claim 5 are supported by the originally filed specification and do not add new matter.

Applicants respectfully traverse the rejection of Claim 5 as anticipated by the '363 patent.

The '363 patent is directed to an optical disk formatted to have a record management area in which management information can be stored and in which the contents cannot be rewritten by the user, a data area to which the user can make access, and a replacement area capable of providing replacement blocks for the defective blocks that exist in the data area. In particular, the '363 patent discloses a write process, shown in Figure 5, in which, if a defect block is present, is replaced by a replacement block in Step 1208 and management area 20 is updated in Step 1212.

However, Applicants respectfully submit that the '363 patent fails to disclose a recording apparatus for a recording medium having a write-once recordable section in which data is writable once, the apparatus including formatting control means for causing a writing means to record information so as to form in the main data area of the write-once recordable section: a replacement management sub-area in which is recorded replacement management information for managing the portion of the data in the normal record and playback subarea according to a rewrite request and the rewritten data that is recorded in the rewritten placement area in response to the rewrite request, as recited in Claim 5. Further, Applicants respectfully submit that the '363 patent does not disclose a rewriting replacement subarea into which rewritten data is recorded in response to request to rewrite the data recorded in the normal record and playback subarea of the write-once recordable section, as recited in Claim 5. The '363 patent is not directed to a write-once recordable section of a recording medium that can, in response to a request to rewrite the data, rewrite the data in a rewrite replacement subarea, as recited in Claim 5. Rather, the '363 patent is merely directed to recording and management of replacement areas for defective blocks.

Accordingly, for the reasons stated above, Applicants respectfully traverse the rejection of Claim 5 as anticipated by the '363 patent.

Independent Claims 1 and 8 recite limitations analogous to the limitations recited in Claim 5. Accordingly, for reasons analogous to the reasons state above, Applicants respectfully traverse the rejections of Claims 1 and 8 (and all associated dependent claims) as anticipated by the '363 patent.

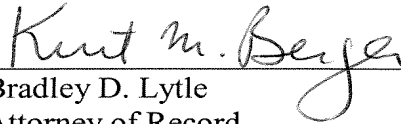
The present amendment also sets forth new independent Claim 11 for examination on the merits. New Claim 11 recites limitations analogous to the limitations recited in Claim 5, but in non-means-plus-functions format. No new matter has been added.

Thus, it is respectfully submitted that independent Claims 1, 5, and 8 (and all associated dependent claims) patentably define over the '363 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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